

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 14591 of 2005

Between:

Sri. B.V.Narsa Reddy, S/o.Venkat Reddy,
28/668, Srinivasa Nagar, Mypad Newpet, Nellore District.

..... PETITIONER

AND

1 The Government of A.P., Rep by its Secretary, R & B Department,

Secretariat, Hyderabad.

2 The Superintending Engineer, R & B Circle, Chittoor district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents insisting seigniorage fees at the enhanced rates in terms of G.O.Ms.No.217 dt.29-9-2004 but not as per the rates and terms laid down in the agreement is illegal, arbitrary and Violation of Article 14, 19 & 21 of the Constitution of India, consequently direct the respondents not to insist enhanced rates but to collect the seigniorage fees as per the terms and conditions laid down in agreement No.4/2004-2005 dt.29-4-2004.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the stage of admission made the following:

ORDER:

-

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents in insisting seigniorage fee at the enhanced rates in terms of G.O.Ms.No.217 dated 29-09-2004 but not as per the rates and terms laid down in the agreement, as illegal, arbitrary and violative of the provisions of the Constitution of India, and consequently, to direct the respondents not to collect at enhanced rates, but collect only seigniorage fee as per the terms and conditions laid down in the agreement dated 29-04-2004.

2. According to the petitioner, he was a successful bidder with reference to a contract work for improvement of the road from Kodandampuram to Tirumalarajipuram Road in Chittoor District and accordingly entered into an agreement on 29-04-2004. But the grievance of the petitioner is that the respondents are proposing to collect seigniorage charges as per the revision in G.O.Ms.No.217 dated 29-09-2004. According to the petitioner, as the agreement entered into between the parties is much prior to the date of the said GO, the revised rates are not applicable. Hence, sought for appropriate direction to collect the seigniorage fee at the rates fixed in the agreement dated 29-04-2004.

3 . The learned counsel also referred to condition No.100.1 where the seigniorage rates fee are specified.

4. The learned Government Pleader, however, contended that the Government is entitled to collect seigniorage fee at the revised rates as is provided under the terms of the contract. He further contended that this issue was the subject matter of a batch of writ petitions in W.P.No.14214 of 2005 and batch and this Court disposed of the writ petitions on 04-07-2005 holding that the department is entitled to recover at revised rates of seigniorage fee even with reference to the agreements entered into prior to the date of the G.O.Ms.No.217 dated 29-09-2004. He also contended that as per condition No.100.2, it is provided for

collection of seigniorage fee as per the revised rates as and when there is a revision. Therefore, there is no merit warranting interference.

5. Heard both sides and considered the material on record.

6. In view of the decision of this Court and also the condition contained at 100.2 which provides for collection of seigniorage fee at the revised rates, the petitioner is not entitled to enforce the rates as specified in the agreement dated 29-04-2004. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs.

S.ANANDA REDDY, J

07th July, 2005

SKM
To

1 The Secretary, Government of A.P., R & B Department,

Secretariat, Hyderabad.

2 The Superintending Engineer, R & B Circle, Chittoor District.

3 Two C.Cs. to G.P. for Roads and Buildings, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two CD Copies.